

Exhibit A

In the Matter of the Claim of

KAITLYNN GANNON,

NOTICE OF CLAIM

Claimant,

- against -

COUNTY OF NIAGARA, NEW YORK,
SHERIFF MICHAEL J. FILICETTI,
NIAGARA COUNTY SHERIFF'S OFFICE,
And JANE AND JOHN DOES (1-10).

TO: COUNTY OF NIAGARA, NEW YORK,
NIAGARA COUNTY SHERIFF'S OFFICE,
SHERIFF MICHAEL J. FILICETTI
And JANE AND JOHN DOES (1-10)

PLEASE TAKE NOTICE, that KAITLYNN GANNON, has and hereby makes claim against COUNTY OF NIAGARA, NEW YORK; SHERIFF MICHAEL J. FILICETTI, NIAGARA COUNTY SHERIFF'S OFFICE; and JANE AND JOHN DOES (1-10), and in support of said claim, states the following:

1. The Post Office address of the claimant is 2232 Ridge Road, Ransomville, New York, 14131.
2. The attorneys for the claimant are LIPSITZ GREEN SCIME CAMBRIA LLP, and their Post Office address is 42 Delaware Avenue, Suite 120, Buffalo, New York 14202-3924.
3. The claim of KAITLYNN GANNON is for constitutional violations pursuant to 42 U.S.C. §§ 1983 and 1988, as well as the First, Fourth and Fourteenth Amendments to the United States Constitution; violations of N.Y. Civ. Rights Law §§ 50-b and 50-c; violation of common law, statutory and constitutional right to privacy; and personal injuries based in tort, including without

limitation, defamation, intentional infliction of emotional distress, and negligent infliction of emotional distress, resulting in potential loss of income, and for non-economic damages and injuries generally.

4. The claim arose at the principal office of the County of Niagara, located at 175 Hawley Street, in the City of Lockport, County of Niagara, and State of New York, as well at the Niagara County Sheriff's Office, with its principal offices at 5526 Niagara Street Ext, Lockport, NY 14095, both of which are or may be custodians of certain records pertaining to this action.

5. The claim arose in substance as follows: Claimant was a victim of sexual assaults in 2021, which she properly reported to the authorities in Niagara County. Upon information and belief, respondents poorly investigated the sexual assaults, including preparing deficient and substandard interviews (or no interviews at all), reports, documents, and other papers which were stored in the office of Niagara County and/or the Niagara County Sheriff's Office. At all times relevant hereto, these municipal entities acted under color of state law, custom or usage, and acted within the scope of their authority as public entities.

The reports, documents, and other papers prepared and stored with Respondents were generated in response to the aforementioned sexual assaults, and identify Claimant as a victim of sexual assaults. Consequently, these documents are confidential and not subject to the Freedom of Information Law (FOIL) under New York Civil Rights Law 50-b and under well-established Constitutional Law in the United States Court of Appeals, Second Circuit.

However, upon information and belief, an individual named, or purporting to be, "Tess Harmon," on November 17, 2023, filed a FOIL request with Respondents seeking Respondents' sexual assault records relating to Claimant. Upon information and belief, Tess Harmon then improperly received from Respondents, and Respondents published defamatory statements to Tess

Harmon in providing her with an improper response to her FOIL request. Tess Harmon was wrongfully provided reports, documents, and other papers from Niagara County, the Niagara County Sheriff's Office, and Jane and John Does (1-10), in violation of the Federal Civil Rights Act (42 U.S.C. §§ 1983 and 1988), the United States Constitution, New York Civil Rights Law § 50-b, and the common law of the State of New York, all to Claimant's damage.

This disclosure of reports, documents, and other papers from Niagara County and the Niagara County Sheriff's Office identify the Claimant as a victim of sexual assaults, provide the victim's written statement of the sexual assaults, describe forensic tests requested for DNA and bodily fluids, imply that the sexual assaults were "unfounded" after a woefully inadequate and substandard "investigation," and state that the FBI and WNY Human Trafficking Task Force concluded that "similar allegations" from Claimant were "unfounded," which defamed Claimant. The illegal disclosures constitute:

- (i) an unwarranted invasion of personal privacy in violation of clearly established constitutional and New York State rights,
- (ii) illegal dissemination of confidential information relating to a woefully deficient criminal investigation of sex crimes,
- (iii) endangerment of the life and safety of the Claimant,
- (iv) defamation, intentional and/or negligent infliction of emotional distress.

The disclosure of these material resulted in serious injuries and damages to the Claimant. Indeed, the subject records have been uploaded to the worldwide web by Tess Harmon and/or other(s) anonymous posters including Facebook users using the pseudonyms "The Truth About 'The Ugly Truth' Podcast," "Candace Herman" (and others who will be identified and sued as part of the prosecution of this claim) in federal court with false and defamatory statements of fact at

<https://www.facebook.com/seekingtruthGND> and, more particularly, at:

https://www.facebook.com/seekingtruthGND/posts/pfbidOSJ5sUng2ya59ycG1qUf3TmSD3ziDo_eJutchqMFFJ1ody9HwRgnBz5BD96LNCbkJ9l. Moreover, other followers of said web page, including Tess Harmon, “Candace Herman,” Mark Langston (who has published that Claimant is “a fucking lunatic”) and the other referenced anonymous posters continue to post defamatory and tortious statements about Claimant, and to Claimant, in an effort to discredit her, malign her and continue to publicly abuse Claimant in violation of law.

Upon information and belief, the actions herein described, and the resultant injuries and damages sustained, were caused as a result of the negligence, carelessness, recklessness and/or unlawful conduct on the part of COUNTY OF NIAGARA and NIAGARA COUNTY SHERIFF’S OFFICE, and their agents, servants and/or employees, SHERIFF MICHAEL J. FILICETTI, JANE AND JOHN DOES (1-10), whose job is to protect and serve the public, including Claimant and other victims of sexual assault.

6. Upon information and belief, because of the aforesaid actions, the Claimant, KAITLYNN GANNON, sustained damages including but not limited to emotional injuries, shame, ridicule, public scorn, attempted credibility impairment (personally and in her vocation), trauma and other injuries. Upon information and belief, these injuries will be permanent in nature.

WHEREFORE, Claimant requests that NIAGARA COUNTY, NIAGARA COUNTY SHERIFF’S OFFICE, SHERIFF MICHAEL J. FILICETTI, and JANE AND JOHN DOES (1-10) honor and pay the claim on behalf of KAITLYNN GANNON.

[Intentionally Left Blank]

DATED: Buffalo, New York
January 25, 2024

KAITLYNN GANNON

LIPSITZ GREEN SCIME CAMBRIA LLP

By:

JOSEPH J. MANNA, ESQ.

Attorneys for Claimant
Office and P.O. Address
42 Delaware Avenue, Suite 120
Buffalo, New York 14202-3924
(716) 849-1333
[JJM: #72663.0001]

STATE OF NEW YORK)
) SS.:
COUNTY OF NIAGARA)

KAITLYNN GANNON, being duly sworn deposes and says that she is the claimant above named; and makes this claim on behalf of self; she has read the foregoing claim and knows the contents thereof; the same is true to the knowledge of the claimant except for the matters herein alleged upon information and belief, and as to those matters, she believes them to be true.

KAITLYNN GANNON

Sworn to before me on this
____ day of _____, 2024.

Notary Public